



U.S. Department of Justice

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Eastern District of New York*

CRH/MAA/IC
F. #2017R00906

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May 11, 2023

By ECF and Email

The Honorable Pamela K. Chen
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: United States v. Michael McMahon, et al.,
Criminal Docket No. 21-265 (S-1) (PKC)

Dear Judge Chen:

The government respectfully writes to inform the Court that the parties have agreed to schedule the deposition for May 17, 2023 at 12:00 p.m. Eastern Time pursuant to Rule 15 of the Federal Rules of Criminal Procedure as ordered by Court, see May 5, 2023 Order.

In connection with the scheduled deposition, the government respectfully requests that the Court—whether it be Your Honor or a magistrate judge—observe and preside via videoconference or teleconference over the deposition.¹ On several occasions, courts in this District have proceeded in this manner to ensure that issues and objections that may arise are addressed in a timely and efficient manner. See United States v. Kandic, No. 17-CR-449 (NGG), ECF Nos. 71, 76, 160, Jan. 6, 2022 Minute Entry (E.D.N.Y. 2021) (designating magistrate judge to preside over two Rule 15 depositions); United States v. al Farekh, No. 15-CR-268 (BMC), ECF No. 62, Dec. 7, 2016 Minute Entry (E.D.N.Y. 2016) (district judge observing Rule 15 deposition); United States v. Ahmed, et al., No. 12-CR-661 (S-2) (SLT), ECF Nos. 136, 156 (district judge observing Rule 15 depositions) (E.D.N.Y. 2014). Proceeding in this manner appropriately ensures that the scope of testimony given is proper and prevents unnecessary subsequent litigation concerning counsel's objections during the deposition, among other things.

¹ The government communicated this request to the defendants on May 10, 2023, after the parties had agreed on a mutually convenient time for the deposition. As of the time of this filing, the defendants have not stated their position with respect to this request, though counsel for defendant McMahon had previously suggested that he would be open to such a request.

